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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

CAROLINA ARCHERY
PRODUCTS, INC.,

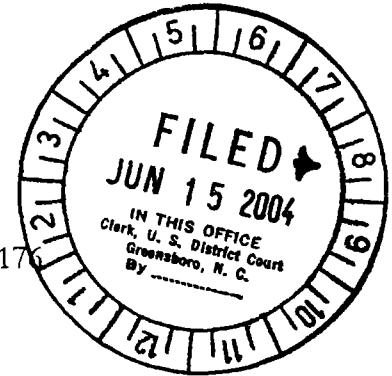
Plaintiff,

v.

ALPINE ARCHERY INCORPORATED,
and KENNETH JANEWAY dba
JANEWAY MACHINE and dba
JANEWAY MACHINE, INC.,

Defendants.

1:03CV00176



ORDER

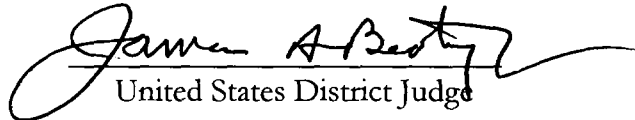
BEATY, District Judge.

For the reasons stated in the Memorandum Opinion filed contemporaneously herewith, IT IS HEREBY ORDERED that Defendant's Motion to Dismiss for Improper Venue pursuant to Federal Rule of Civil Procedure 12(b)(3) [Document #11] is GRANTED in part as to Plaintiff's first claim for patent infringement and inducement of patent infringement. Plaintiff's first claim for patent infringement and inducement of patent infringement is hereby TRANSFERRED to the Northern District of Oklahoma pursuant to 28 U.S.C. § 1406. Defendant's Motion to Dismiss for Improper Venue pursuant to Federal Rule of Civil Procedure 12(b)(3)[Document #11] is DENIED in part with respect to Plaintiff's second claim for breach of contract and third claim for unfair trade practices. However, Defendant's Motion to Transfer pursuant to 28 U.S.C. § 1404(a) [Document #11] is GRANTED as to Plaintiff's second claim for breach of contract and third claim for unfair trade practices and those claims are hereby TRANSFERRED to the Northern District of Oklahoma

pursuant to 28 U.S.C. § 1404(a).

Given that the Court has elected to decide this matter on the basis of venue, Defendant's Motion to Dismiss for Lack of Personal Jurisdiction is hereby DISMISSED as being moot.

This, the 15th day of June, 2004.


United States District Judge